

## Message Text

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ACTION EUR-12

INFO OCT-01 NEA-10 ISO-00 DHA-02 SCA-01 L-03 H-02 SCS-03

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 5184

INFO AMEMBASSY TEL AVIV

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E.O. 11652: N/A

TAGS: OGEN, SHUM, GW, US, IS

SUBJECT: ALLEGED WAR CRIMINALS

REF: STATE 293348

1. EMBOFF HAS PUT QUESTIONS CONTAINED REFTTEL TO REP OF FRG JUSTICE MINISTRY (WALTER). WALTER SAID THAT FOR ACTUAL TRIAL, FRG SEEKS IF POSSIBLE TO HAVE ISRAELI WITNESSES ATTEND AND TESTIFY, REQUEST BEING MADE FOR THEIR ATTENDANCE THROUGH DIPLOMATIC CHANNELS.

2. IN MANY CASES, HOWEVER, THE ISRAELI WITNESSES HAVE BEEN EITHER TOO OLD TO TRAVEL OR HAD OTHER REASONS FOR NOT BEING ABLE OR WILLING TO COME TO FRG TO TESTIFY. IN THIS CASE, FRG COURT ADDRESSED LETTERS ROGATORY TO THE DIRECTOR OF COURTS, A CENTRAL ADMINISTRATIVE OFFICE IN JERUSALEM, WHICH THEN PASSES LETTERS ROGATORY TO APPROPRIATE ISRAELI COURT WHICH PUTS GERMAN COURT'S QUESTIONS TO ISRAELI WITNESSES. FREQUENTLY, THE GERMAN PROFESSIONAL AND/OR LAY JUDGES (CASES LIKE PENDING MAJDANEK TRIAL IN DUESSELDORF ARE NOT TRIED BEFORE JURY), PROSECUTORS OR OTHER

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OFFICIALS CONNECTED WITH THE FRG CASE ATTEND TAKING

OF TESTIMONY IN ISRAEL, WITH PERMISSION OF ISRAELI AUTHORITIES AND THE COURT, FOR THE PURPOSE OF GETTING FIRST-HAND IMPRESSION OF WITNESSES AND TO SUGGEST SUPPLEMENTARY QUESTIONS OR LINES OF QUESTIONING THAT APPEAR CALLED FOR AS ANSWERS TO BASIC QUESTIONS ARE GIVEN BY WITNESSES. WALTER RECALLS THAT IN ONE CASE AS MANY AS 19 GERMAN OFFICIALS CONNECTED WITH THE CASE IN THE FRG ATTENDED INTERROGATION OF ISRAELI WITNESSES BY THE ISRAELI COURT.

3. AT A MORE PRELIMINARY STAGE, WHILE PROSECUTOR IS STILL PREPARING THE COMPLAINT, INCLUDING CHARGES AND SUPPORTING INFORMATION, FRG PROSECUTOR REQUESTS PRELIMINARY INTERROGATION OF ISRAELI WITNESSES BY ISRAELI POLICE TO DETERMINE LIKELY USEFULNESS OF WITNESSES' TESTIMONY AT LATER TRIAL. SUCH REQUESTS ARE ADDRESSED TO THE ISRAELI NATIONAL POLICE OFFICE/STAFF FOR THE INVESTIGATION OF NAZI CRIMES OF VIOLENCE (LANDESSTAB DER POLIZEI ZUR AUFKLAERUNG VON NATIONAL-SOZIALISTISCHEN GEWALTSTATEN), SPECIFICALLY A MAJOR LENGSFELDER, IN TEL AVIV. INTERROGATION OF WITNESSES THROUGH HELPFUL COOPERATION OF LENGSFELDER IS, HOWEVER, USED ONLY IN PREPARATION OF CHARGES AND NOT ADMISSIBLE OR USED IN ACTUAL TRIAL IN FRG, FOR WHICH INTERROGATION OF WITNESSES BY ISRAELI JUDGE IS REQUIRED IN GERMANY. RESULTS OF ISRAELI POLICE INVESTIGATION OF WITNESSES CAN BE USED IN FRG TRIAL ONLY IF AFTER POLICE INTERROGATION THE WITNESSES HAVE DIED OR OTHERWISE BECOME UNABLE TO TESTIFY IN REPLY TO ISRAELI COURT INTERROGATION.

4. ABOVE INFORMATION NEED NOT BE HELD IN CONFIDENCE.  
HILLENBRAND

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## Message Attributes

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